

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK ANTHONY,

Plaintiff,

No. CIV S-02-1899 GEB GGH P

vs.

DEPUTY TODD HENRY,

Defendant.

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On January 25, 2006, judgment was entered in favor of defendant following a jury trial. On February 27, 2006, plaintiff filed a notice of appeal.

Pending before the court is plaintiff's March 24, 2006, request for transcripts. Plaintiff is apparently requesting that the government pay the transcript fees. 28 U.S.C. § 753(f) provides that "[f]ees for transcripts furnished to...persons permitted to appeal in forma pauperis shall...be paid by the United States if the [bankruptcy] judge or [district] judge certifies that the appeal is not frivolous (but presents a substantial question)."

In his notice of appeal, plaintiff states that he appealing on grounds that he was denied the opportunity to present evidence that would have established perjury by a defense witness. The court does not find that plaintiff's appeal presents a substantial question.

1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's March 24, 2006, request  
2 for transcripts is denied.

3 Dated: July 7, 2006

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5                   /s/ Garland E. Burrell, Jr.  
6 GARLAND E. BURRELL, JR.  
7 United States District Judge  
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